

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CASEY GLYNN DOBBS, #2197944

§

VS.

§

CIVIL ACTION NO. 6:20cv130

DIRECTOR, TDCJ-CID

§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Petitioner Casey Dobbs, a prisoner confined at the Michael Unit within the Texas Department of Criminal Justice (TDCJ) and proceeding *pro se*, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 complaining of his confinement. The petition was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

Petitioner filed a notice of voluntary dismissal (Docket No. 10) specifically requesting that his case be dismissed, without prejudice. Subsequently, on April 27, 2020, Judge Mitchell issued a Report (Docket No. 11) recommending that Petitioner's notice be construed as a motion for a voluntary dismissal and be granted. A copy of this Report was sent to Petitioner at his address, with an acknowledgment card. To date, however, objections have not been filed.

Because objections to Judge Mitchell's Report have not been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is


ORDERED that the Report of the United States Magistrate Judge (Docket No. 11) is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Petitioner's notice of voluntary dismissal (Docket No. 10) is construed as a motion for a voluntary dismissal and is **GRANTED**. Petitioner's habeas action is hereby **DISMISSED** without prejudice on Petitioner's own motion. Further, it is

ORDERED that Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED** as moot.

So **ORDERED** and **SIGNED** this **27th** day of **May, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE